OCSPP Responses to Additional Questions for the Record from the December 7, 2017 House Energy and Commerce Hearing

The Honorable Diana DeGette

Question 2
During your testimony we discussed the decision on a final rule concerning methylene chloride use in paint stripper. You promised to review the status of the rule and provide an update soon after the hearing. Rules concerning N-methylpyrrolidone (NMP) and trichloroethylene (TCE) were proposed at the same time. Prohibitions against certain uses of NMP and methylene chloride were removed from the Fall 2017 Unified Agenda of Regulatory and Deregulatory Actions.

a. The Fall Unified Agenda was released on December 14, one week after your testimony before the committee. At what point was the decision made to remove the NMP and methylene chloride rules from the Unified Agenda?

Response to Question 2(a):
This decision was finalized during the process of finalizing updates to the regulatory agenda for the December 14th release. EPA updated these entries because we determined that more time was needed to consider the path forward in light of the risk evaluations under way for the same chemicals, therefore these rules would not be finalized within 12 months.

b. When will EPA finalize the rules for TCE, NMP, and methylene chloride under TSCA?

Response to Question 2(b):
In its problem formulation documents, EPA is adding the conditions of use from the two TCE proposed section 6 rules to the scope of the TCE risk evaluation, and the conditions of use from the paint removers proposed section 6 rule to the scope of methylene chloride and n-methylpyrrolidone risk evaluations. EPA is adding those conditions of use so that they can undergo the same type and level of review, including systematic review of the scientific literature, that the other conditions of use will undergo in EPA's evaluation of the first ten existing chemicals being reviewed under the Lautenberg Act amendments to TSCA. Ensuring this level of consistency in implementing the scientific standards of TSCA section 26, as described in EPA's final rule for risk evaluation under TSCA, is important to getting implementation of EPA's enhanced existing chemicals evaluation program off to a strong start.

TCE, methylene chloride and n-methylpyrrolidone will undergo the same type and level of EPA review, including systematic review of the scientific literature, that the other chemicals will undergo in EPA's evaluation of the first ten existing chemicals being reviewed under the Lautenberg Act amendments to TSCA. Ensuring this level of consistency in implementing the scientific standards of TSCA section 26, as described in EPA's final rule for risk evaluation under TSCA, is important to getting implementation of EPA's enhanced existing chemicals evaluation program off to a strong start.

If through its evaluation EPA determines that any of the chemicals present unreasonable risks, EPA will take prompt action under the statute to address those risks. Because these chemicals are subject to the section 26(l)(4) provisions of TSCA concerning "Chemical Substances with Completed Risk Assessment," EPA may take action on unreasonable risks at any time and would do so following completion of a draft risk evaluation. Final risk evaluations for these chemicals are to be completed by December 2019 per the statute.

c. What role did Michael Dourson have as an EPA adviser in determining the timeline for these rules?

Response to Question 2 (c):
Michael Dourson, while serving as an advisor to the Administrator did not participate in developing timelines for these rules.

The Honorable Gregg Harper

Question 1
Mississippi is home to a significant forest products industry. The EPA, under the Obama Administration, drafted and imposed a wood products procurement regulation that allows only for Forest Stewardship Council – or FSC – certified products to be purchased by the government, which bars the purchase of products certified by other credible forest certification standards, such as the American Tree Farm System (ATFS) or Sustainable Forestry Initiative. This regulation, which is now under review, excludes a significant number of family forest owners in the United States with homegrown products certified by other reputable standards. 1) Could you please provide a status update on the current review process? 2) What potential changes can be made to improve this policy that currently puts American forest owners at a disadvantage?

Response to Question 1:
Based on stakeholder concerns and interagency discussions, the EPA recommendation for the lumber/wood product category was removed in December 2016 and put on hold. Before further action on this product category, EPA would ensure coordination with the USDA Forest Service and USDA Natural Resources Conservation Service, Department of Energy, OMB, and CEQ to determine how forestry standards should best be evaluated. Once the federal agencies have had time to come to consensus, EPA would engage relevant involved stakeholders to refine the Guidelines pertinent to evaluating the lumber/wood recommendation. This process is intended to provide a transparent, fair, and consistent approach to updating the EPA Recommendation of forestry certifications and assessing other commodities' extraction/harvesting related environmental impacts.

The Honorable Frank Pallone

Management of Toxic Pesticides:

Question 11
"Documents reveal that Monsanto employees may have ghostwritten scientific papers on

glyphosate, including papers published in the journal Regulatory Toxicology and Pharmacology, which has an editorial board populated by industry scientists, lawyers and consultants with clear financial ties to the chemical industry. Has EPA relied on those studies in its evaluation of glyphosate?"

Response to Question 11:
The Agency has used two articles from Regulatory Toxicology and Pharmacology journal for the evaluation of glyphosate (Mink et al., 2012; Williams et al., 2000). Both of these are considered to be review articles. Review articles survey the literature to identify previously published journal articles relevant to a specific topic, summarize and/or analyze the data of those studies, and in some cases make overall conclusions regarding the findings. Review articles can serve as a source for finding original journal articles on a particular topic. Glyphosate has been the subject of multiple review articles in addition to these two. The Agency performed its own independent review of the original journal articles. The Agency did not rely on the interpretation of data by the authors of the Mink et al (2012) and Williams et al (2000) articles.

Question 12
"Did EPA rely on studies from the journal Regulatory Toxicology and Pharmacology in its decision to deny the petition to ban chlorpyrifos?"

Response to Question 12:
EPA considers and performs its own independent review of studies in multiple journals, including the Regulatory Toxicology and Pharmacology. The reference section of the pesticide registration review assessments and supporting documents lists the studies considered. Studies from the journal Regulatory Toxicology and Pharmacology are referenced in the 2014 revised Human Health Risk Assessment, and the materials prepared for a meeting of the 2016 FIFRA Scientific Advisory Panel. No studies from the journal were utilized in forming the basis for the Agency's March 2017 decision to deny the chlorpyrifos petition.

Question 13
"In 2015, the Food and Drug Administration (FDA) agreed with recommendations from GAO[1] that glyphosate monitoring should be done, but subsequently suspended its efforts to conduct that monitoring.[2] Documents suggest that this decision may have been made under pressure from an EPA employee working with Monsanto. Please provide any email or other correspondence between EPA employees regarding glyphosate monitoring."

Response to Question 13:
Multiple federal government agencies share responsibility for the regulation of pesticide residues in or on food. While the EPA registers the use of pesticides and establishes the residue limits, i.e. tolerances, for the amount of pesticides that may remain in or on food, the FDA is responsible for enforcing the tolerances. According to FDA's website (https://www.fda.gov/Food/FoodborneIllnessContaminants/Pesticides/ucm583711.htm), its regulatory pesticide residue monitoring program selectively tests a broad range of imported and domestic commodities for approximately 700 pesticide residues. Due to the shared regulatory responsibility between EPA and FDA for pesticide residues in or on food, the two agencies correspond from time-to-time on specific pesticides including glyphosate. [In order to provide all the emails or other correspondences between EPA and FDA employees, OCIR is determining

whether an E-Discovery should be conducted.]

Question 14:
"EPA's March 30 decision on chlorpyrifos will allow continued use of this dangerous pesticide on golf courses. Did trade associations representing the Trump Organization golf courses, or lobbyists who represent the Trump Organization, communicate with EPA, the White House, or the Trump transition team regarding the March 30 decision or chlorpyrifos in general?"

Response to Question 14:
Subsequent to the arrival of the new administration in January 2017 and prior to the March 2017 announcement, EPA's Office of Pesticide Programs did not have any engagement with the above-referenced organizations regarding the March 30, 2017, decision.